

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

VICTOR LUCKY,

Plaintiff,

v.

Warden CYNTHIA NELSON, Counselor
ERIC WILLIAMS, Manager SARAH
DRAPER, Investigator TIM BARFIELD,
JOHN DOE MEDICAL DIRECTOR, and
Deputy Warden RONNIE LAWRENCE,

Defendants.

1:07-CV-52 (WLS)

ORDER

Before the Court is a Recommendation from United States Magistrate Judge Richard L. Hodge (Doc. #7), filed September 19, 2007.¹ It is recommended that Plaintiff's request for injunctive relief be denied and that Plaintiff's claims against Defendants Sarah Draper, Tim Barfield, John Doe Medical Director and Ronnie Lawrence be dismissed as well as each said Defendant. It is also recommended that Plaintiff's claims that Defendant Cynthia Nelson improperly processed Plaintiff's grievance so that he could not file an appeal and/or the alleged failure to respond to his grievances, as well as Plaintiff's claim that Defendant Nelson refused to allow Plaintiff to telephone his attorney be dismissed. Lastly, it is recommended that Plaintiff's claims that Defendant Eric Williams retaliated against Plaintiff and that Defendant Nelson's

¹Upon review the Court noted that it accepted and adopted a subsequent Recommendation (Doc. #22) filed July 16, 2008 in the captioned case wherein Defendants Cynthia Nelson and Eric Williams's motion for summary judgment (Doc. #18) was granted. The above pending Recommendation recommended that Plaintiff's action go forward against those Defendants. Other Defendants are recommended for dismissal. The Court addresses those Defendants in the pending Recommendation. (Doc. #7).

transfer of Plaintiff to a different institution constituted deliberate indifference to Plaintiff's serious medical need go forward.² Plaintiff filed his written objection. (Doc. #10).

Upon review, including Plaintiff's written objection, the Court agrees with the magistrate judge. Plaintiff essentially continues to argue that he has a constitutional right to a grievance process by now couching his claim in terms of a First Amendment free speech claim and alleges now in a conclusory fashion that a conspiracy existed among the defendants, without stating detailed facts to support such a claim. Accordingly, Plaintiff's objections are **OVERRULED**.

Upon full review and consideration upon the Record, the court finds that said Recommendation should be, and hereby is, **ACCEPTED, ADOPTED** and made the order of the Court for reason of the finding made and reasons stated therein together with the findings made, reasons stated and conclusions reached herein. Accordingly, Defendants Sarah Draper, Tim Barfield, John Doe Medical Director, and Ronnie Lawrence, and all claims against each of them, are **DISMISSED**. Likewise, Plaintiff's request for injunctive relief is **DENIED**. The remaining Defendants, i.e., Eric Williams and Cynthia Nelson's motion for summary judgment has been previously granted. Therefore, no defendants or claims remain. The case is ordered **CLOSED**.

SO ORDERED, this 31st day of March, 2010.

/s/W. Louis Sands
W. LOUIS SANDS, JUDGE
UNITED STATES DISTRICT COURT

²As noted in footnote 1, those Defendants' subsequent motion for summary judgment was granted on those claims. (Doc. #24).